

**ENTERED**

June 01, 2016

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

HENLEY MENELEE,

Plaintiff,

v.

HOUSTON POLICE DEPARTMENT, *et al.*,

Defendants,

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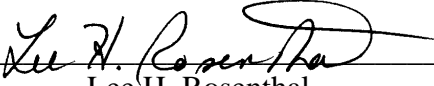
CIVIL ACTION NO. H-14-1705

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION AND GRANTING  
THE DEFENDANTS' MOTION TO DISMISS**

This court has reviewed the Memorandum and Recommendation of the United States Magistrate Judge signed on May 11, 2016 and made a *de novo* determination. Rule 72(b), Fed. R. Civ. P.; 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). Based on the pleadings, the record, and the applicable law, the court adopts the Memorandum and Recommendation as this court's Memorandum and Order. This court finds and concludes that the defendant's motion to dismiss was properly granted and the complaint properly dismissed without leave to amend because further amendment would be futile. The Magistrate Judge's recommendation to dismiss Menefee's Texas constitutional claims, his claim under 18 U.S.C. § 242, his claim under 28 U.S.C. § 1983, his federal constitutional claims under the 4th, 5th, and 14th Amendments, and his claims against the Houston Police Department, are consistent with and supported by the applicable legal standards and with the allegations in the complaint. Menefee has proven unable in three amended complaints to amend to cure the pleading deficiencies, making it appropriate to dismiss his claims with prejudice and without leave to amend. The defendants'

motion to dismiss, (Docket Entry No. 27), is granted. Final judgment dismissing this case with prejudice is entered by separate order.

SIGNED on May 31, 2016, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge